



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,222	09/26/2001	Seth Sheiner	58017.0104	5441

7590

03/03/2006

Paul W. Fulbright
Strasburger & Price, L.L.P.
Suite 3400
901 Main Street
Dallas, TX 75202-3794

EXAMINER

COBANOGU, DILEK B

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,222

Applicant(s)

SHEINER ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/26/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 to 22 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 9 and 11 to 22 rejected under 35 U.S.C. 103(a) as being unpatentable over de la Hueraga et al. (U.S. Patent No. 5,903,889) in view of Sato et al. (U.S. Patent No. 5,911,687).

A. As per claim 1, de la Hueraga et al. discloses a method for reporting health related data over a communication network, comprising the steps of:

- i. accessing a server device of the communication network;
 - ii. providing to a provider device a uniform format for entering the data (de la Hueraga et al.; col.3, lines 19-23);
 - iii. receiving the data from the provider device (de la Hueraga et al.; col.6, lines 24-30, col. 4, lines 17-20 and Fig.1); and
 - iv. storing the data (de la Hueraga et al.; col.5, lines 15-19 and Fig.3).
- de la Hueraga et al. fails to expressly teach a server device, per se, since it appears that de la Hueraga et al. is more directed to multiple databases and workstations linked via a network (de la Hueraga et al.; col.3, lines 30-

34). However, this feature is well known in the art, as evidenced by Sato et al.

In particular, Sato et al. discloses a wide area medical information system wherein one management server connected to the wide area network (Sato et al.; col.2, lines 7-16).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the multiple databases and workstations linked via a network with the management server connected to the wide area network with the motivation of server is having record files for integrating and managing treatment history information and registering information (Sato et al.; col.7, line 66 to col.8, line 24).

B. As per claim 2, de la Huerga et al. discloses the method of claim 1, further comprising the step of: compiling the data into a database; and providing aggregate amounts of the health related data (de la Huerga et al.; col.1, lines 7-13).

C. As per claim 3, de la Huerga et al. discloses the method of claim 1, further comprising the step of: providing secured access to the data via the communication network (de la Huerga et al.; col.6, line 62 to col.7, line 3).

D. As per claim 4, de la Huerga et al. discloses the method of claim 1, further comprising the step of:

- i. preparing reports of the data (de la Huerga et al.; col.4, lines 10-13); and

- ii. serving up the reports via the communication network to a device capable of receiving the reports over the communication network (de la Huerga et al.; col.4, lines 13-16).

E. As per claim 5, de la Huerga et al. discloses the method of claim 1, wherein the step of receiving the data comprises the steps of:

- i. receiving a query from the provider device (de la Huerga et al.; col.6, lines 50-57); and
- ii. serving to the provider device an interactive web page in response to the query from the provider device (de la Huerga et al.; col.4, lines 55-61).

F. As per claim 6, de la Huerga et al. discloses the method of claim 1, wherein each of the steps of providing, receiving, and storing are performed by the server device (de la Huerga et al.; col.4, lines 55-61).

The obviousness of modifying the teaching of de la Huerga et al. to include the management server connected to the wide area network (as taught by Sato et al.) is as addressed above in the rejection of claim 1 and incorporated herein.

G. As per claim 7, de la Huerga et al. discloses the method of claim 6, wherein said server device is remotely located from the provider device (de la Huerga et al.; col.3, lines 23-29).

The obviousness of modifying the teaching of de la Huerga et al. to include the management server connected to the wide area network (as

taught by Sato et al.) is as addressed above in the rejection of claim 1 and incorporated herein.

H. As per claim 8, de la Huerga et al. discloses the method of claim 1, further comprising the step of: reporting at least a portion of the data to a receiver device over the communication network, wherein the receiver device communicates with the server device over the communication network (de la Huerga et al.; col.7, lines 34-39).

I. As per claim 9, de la Huerga et al. discloses the method of claim 1, further comprising the steps of: reporting at least a portion of the data to the provider device over the communication network, wherein the provider device communicates with the server device over the communication network (de la Huerga et al.; col.7, lines 34-39).

J. As per claim 11, de la Huerga et al. discloses the method of claim 1, wherein the communication network is selected from the group consisting of the Internet, an extranet, and an intranet (de la Huerga et al.; col.3, lines 14-18).

K. As per claim 12, de la Huerga et al. discloses a method for trauma data over a communication network, wherein the communication network is the Internet, comprising the steps of:

- i. providing a database, wherein the database serves to relate queries with preprogrammed responses in the form of data entry forms and stores information entered into the data entry form;

- ii. delivering a query to the database over the communication network (de la Huerga et al.; col.6, lines 50-57);
- iii. accessing an interactive graphical interface relevant to the queries;
- iv. inputting data (de la Huerga et al.; col.3, lines 30-34); and
- v. storing the data in the database (de la Huerga et al.; col.5, lines 15-19 and Fig.3).

de la Huerga et al. fails to expressly teach a query, per se, since it appears that de la Huerga et al. is more directed to multiple databases and workstations linked via a network (de la Huerga et al.; col.3, lines 30-34). However, this feature is well known in the art, as evidenced by Sato et al.

In particular, Sato et al. discloses a wide area medical information system wherein as a result of query and reference to the image data, the doctor gives a diagnosis and explains the results for the patient (Sato et al.; col.13, lines 8-10).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the multiple databases and workstations linked via a network with the query with the motivation of with the results the doctor gives a diagnosis and explains the results (Sato et al.; col.13, lines 8-10).

L. As per claim 13, de la Huerga et al. discloses the method of claim 12, further comprising the step of: displaying a graphical interface to the database for

access over the network, wherein the graphical interface is viewed in the step of accessing and the data is input into the graphical interface in the step of inputting (de la Huerga et al.; col.9, lines 1-6).

M. As per claim 14, de la Huerga et al. discloses the method of claim 12, wherein the step of delivering, on the one hand, and the step of accessing and inputting, on the other hand, are performed at geographically remote locations on the communication network (de la Huerga et al.; col.5, lines 55-59).

N. As per claim 15, de la Huerga et al. discloses the method of claim 12, wherein the step of delivering is performed via a static Hypertext Markup Language page; and further comprising the step of generating a dynamic Hypertext Markup Language page based on the queries from the static Hypertext Markup Language page (de la Huerga et al.; col.3, line 65 to col.4, line 5 and col. 2, lines 49-51).

O. As per claim 16, de la Huerga et al. discloses the method of claim 12, wherein the steps of providing and storing are performed by a server computer; the step of delivering is performed by a device selected from the group consisting of: a provider device, a receiver device, a third party device, and any combination of the devices (de la Huerga et al.; col.3, lines 19-29).

P. As per claim 17, de la Huerga et al. discloses the method of claim 12, wherein the steps of accessing and inputting are performed by a device selected from the group consisting of: a provider device, a receiver device, a third party device, and any combination of the devices (de la Huerga et al.; col.3, lines 19-29).

Q. As per claim 18, de la Huerga et al. discloses the method of claim 12, wherein the provider device, the receiver device, and the third party device are each computers (de la Huerga et al.; col.1, lines 6-13).

R. As per claim 19, de la Huerga et al. discloses the method of claim 12, wherein the communication network is selected from the group consisting of: the Internet, an extranet, and an intranet (de la Huerga et al.; col.3, lines 14-18).

S. As per claim 20, de la Huerga et al. discloses a system for the collection, storage, analysis, and reporting of health related data, comprising:

- i. a processor (de la Huerga et al.; col.4, lines 10-16);
- ii. a memory device coupled to the processor (de la Huerga et al.; col.5, lines 25-29);
- iii. a communication device coupled to the processor and the memory device, that enables communication via the communication network (de la Huerga et al.; col.6, lines 42-47);
- iv. a relational database that is stored and updated in the memory device (de la Huerga et al.; col.3, lines 30-34); and
- v. an application program that is executed by the processor from the memory device comprising (de la Huerga et al.; col.7, lines 45-49 and col.3, lines 60-65)
- vi. first code, responsive to a query from a provider device via the communication device that instructs the communication device to send a

data entry form to the provider device (de la Hueraga et al.; col.6, lines 50-57);

vii. second code, responsive to receiving a completed data entry form from the provider device, that stores data from the data entry form into the database (de la Hueraga et al.; col.6, lines 50-57);

viii. third code, responsive to receiving the completed data entry form from the provider device (de la Hueraga et al.; col.6, lines 50-57), that notifies healthcare provider communication device of errors; and

ix. fourth code that instructs said communication device to transmit a summary of said data to a receiving agency (de la Hueraga et al.; col.5, lines 62-65).

de la Hueraga et al. fails to expressly teach to notify for an error, per se, since it appears that de la Hueraga et al. is more directed to user interface which may include a network browser or similar display, entry and retrieval program (de la Hueraga et al.; col.6, lines 50-57).

However, this feature is well known in the art, as evidenced by Sato et al.

In particular, Sato et al. discloses a wide area medical information system wherein an error message issued (Sato et al.; col.11, lines 14-16).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the user interface which

may include a network browser or similar display, entry and retrieval program with the error message with the motivation of the doctor corrects the order according to the message (Sato et al.; col.11, lines 14-16).

T. As per claim 21, de la Huerga et al. discloses the system of claim 20, the application program further comprising:

- i. fifth code, responsive to a query from a third party communication device via said communication device that instructs said communication device to send a data entry form to the third party communication device (de la Huerga et al.; col.6, lines 50-57); and
- ii. sixth code, responsive to receiving a data entry form back from the third party communication device via said communication device that stores information submitted by the third party communication device (de la Huerga et al.; col.6, lines 50-57);
- iii. seventh code, responsive to receiving data back from the third party communication device that notifies the third party communication device of any errors; and
- iv. eighth code that instructs said communication device to transmit a summary of said data to a receiving agency (de la Huerga et al.; col.5, lines 62-65).

The obviousness of modifying the teaching of de la Huerga et al. to include to notify for an error (as taught by Sato et al.) is as

addressed above in the rejection of claim 20 and incorporated herein.

U. As per claim 22, de la Huerga et al. discloses the system of claim 21, the application program further comprising:

- i. ninth code, responsive to a query from a receiving agency communication device via said communication device to send a data entry form to the receiving agency communication device (de la Huerga et al.; col.6, lines 50-57);
- ii. tenth code, responsive to receiving a data entry form back from the receiving agency communication device via said communication device that stores information submitted by the receiving agency communication device (de la Huerga et al.; col.6, lines 50-57); and
- iii. eleventh code, responsive to receiving a data entry form back from the receiving agency communication device that notifies the receiving agency of errors (de la Huerga et al.; col.6, lines 50-57).

The obviousness of modifying the teaching of de la Huerga et al. to include to notify for an error (as taught by Sato et al.) is as addressed above in the rejection of claim 20 and incorporated herein.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga et al. (U.S. Patent No. 5,903,889) in view of Filler (U.S. Patent Publication No. 2001/0051881 A1).

A. As per claim 10, de la Huerga et al. discloses the method of claim 1, wherein the step of storing the data formats the data as an Extensible Markup Language (XML) document.

de la Huerga et al. fails to expressly teach an extensible markup language (xml), per se, since it appears that de la Huerga et al. is more directed to converting a text document to an Html document or convert graphics to browser or Java-enabled formats (de la Huerga et al.; col.3, lines 55-60). However, this feature is well known in the art, as evidenced by Filler.

In particular, Filler discloses a system and method for managing a medical services network wherein the composition and review of the live medical records can be conducted independently of the physical location of those records and selected images are accessible through a web browser and by use of Html, xml or other similar computer programming languages. (Filler; paragraph 0056). It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined to convert a text document to an Html document or convert graphics to browser or Java-enabled formats with the accessible images through a web browser and by use of Html, xml or other similar computer programming languages with the motivation of xml being simpler

and easier to use subset of the generalized markup language
(Filler; paragraph 0138).

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior arts teach "Medical network management system and process" 5,471,382 A, "On-line health education and feedback system using motivational driver profile coding and automated content fulfillment" 5,879,163 A, "Computer system and method for accessing medical information over a network" 5,915,240 A, "Health care data manipulation and analysis system" 6,230,142 B1, "Distributed network system for use with implantable medical devices" 6,249,705 B1, "Intracranial monitoring and therapy delivery control device, system and method" 6,248,080 B1, "Electronic medical record information management system and method thereof" 2001/0049610 A1.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

Dilek B. Cobanoglu
Art Unit 3626


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER